

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

JOHN V. FERRIS and JOANN M. FERRIS,  
Individually and on Behalf of All Others  
Similarly Situated,

Plaintiffs,

V.

WYNN RESORTS LIMITED, et al.,

## Defendants.

Case No. 2:18-CV-00479-APG-BNW

JOINT STIPULATION AND [PROPOSED]  
ORDER APPOINTING SPECIAL MASTER

The Parties, through their respective counsel of record, hereby stipulate and agree as follows, subject to the approval of the Court:

## **Appointment of the Special Master**

Pursuant to Federal Rule of Civil Procedure 53(a)(1)(A) and (a)(1)(C), The Court appoints the Honorable Jay Young (ret.) as Special Master, until further order of this Court. The Special Master has submitted with this proposed order an affidavit disclosing whether there are any grounds for his disqualification under 28 U.S.C. § 455. *See* Fed. R. Civ. P. 53(a)(2) and (b)(3). The Special Master's appointment is effective immediately.

## **The Special Master's Duties, Authority, and Compensation**

1. The Special Master is directed to “proceed with all reasonable diligence” in the performance of his duties. Fed. R. Civ. P. 53(b)(2). The Special Master is appointed to resolve discovery disputes between the Parties related to the Company Defendants’ privilege log (the “Privilege Log Disputes”). The Court reserves the right to expand the scope of the special master’s appointment to other discovery motions and/or disputes.

2. In furtherance of his duties, the Special Master may communicate *ex parte* with the Court on any matter. The Special Master may not communicate *ex parte* with the parties (except to arrange scheduling matters) without notice to, and receiving consent from, all parties. Any party may communicate with the Special Masters by email if, when doing so, the party includes all counsel of record on such communication.

3. During the pendency of these proceedings, the Special Masters and the parties shall notify this Court immediately if they become aware of any potential grounds that would require disqualification under 28 U.S.C. § 455.

4. The Special Master shall preserve, as a record of his activities, all written submissions received from the parties, all written submissions sent to the parties and any transcripts of hearings before the Special Master pursuant to Fed. R. Civ. P. 53(b)(2)(C). The Special Master shall file with the Clerk of Court such records upon the request of any party or the

1 Court. The Special Master shall also file any order, report, or recommendation with the Court  
2 pursuant to Fed. R. Civ. P. 53(d).

3 5. A party may file objections to—or a motion to adopt or modify—the Special  
4 Master’s order, report, or recommendation no later than ten (10) days from the time that order,  
5 report, or recommendation is served on all of the parties. The party filing such objection or motion  
6 must also file the relevant record.

7 6. Any order, report or recommendation of the Special Master on non-dispositive  
8 motions, unless it involves a finding of fact or conclusion of law, will be deemed a ruling on a  
9 procedural matter. The Court will set aside a ruling on a procedural matter only where it is clearly  
10 erroneous or contrary to law. *See* 28 U.S.C. § 636.

11 7. Barring a stipulation of the parties with the Court’s consent setting some other  
12 standard of review, *see* Fed. R. Civ. P. 53(f)(3), the Court will decide *de novo* all objections to  
13 findings of fact or conclusions of law made or recommended by the Special Master.

14 8. The Special Master’s compensation, as well as any costs and expenses, will be paid  
15 50% by Plaintiffs (collectively) and 50% by Defendants (collectively), subject to any modification  
16 pursuant to Fed. R. Civ. P. 53(g). The Special Master shall be compensated at a rate of \$625 per  
17 hour. If the Special Master finds that he needs the assistance of any paralegal or lawyer, that  
18 expense shall be billed by the Special Master at the ordinary rate for those people.

19 9. The Special Master is hereby authorized to receive and consider information and  
20 documents designated “CONFIDENTIAL” or “RESTRICTED – ATTORNEYS’ EYES ONLY”  
21 pursuant to the Parties’ Stipulated Protective Order (ECF 192). The Special Master agrees to be  
22 bound by the Parties’ Stipulated Protective Order. The Special Master shall not file any material  
23 designated as “CONFIDENTIAL” or “RESTRICTED – ATTORNEYS’ EYES ONLY” publicly  
24 with the Court without affording the designating party an opportunity to protect the information  
25 under the Local Rules of the Court and the Parties’ Stipulated Protective Order.

26 10. Finally, this Order may be amended at any time upon notice to the parties, and an  
27 opportunity to be heard.

1 DATED: June 20, 2024

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3 KIRKLAND & ELLIS LLP

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/s/ Mark S. Holscher

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1 DATED: June 20, 2024

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17 DATED: June 20, 2024

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28 DATED: June 20, 2024

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10 DATED: June 20, 2024

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DATED: June 20, 2024

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*Additional Counsel for Class Representatives*

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**IT IS SO ORDERED.**

Dated: June 21, 2024  
Las Vegas, Nevada

  
BRENDA WEKSLER  
UNITED STATES MAGISTRATE JUDGE

## **CERTIFICATE OF SERVICE**

On June 20, 2024, I served the foregoing document on all parties appearing in this case when filing said document through the Court's PACER system with automatic e-service on all persons who have registered for e-service on PACER for this case.

/s/ Laura Bay  
An employee of KIRKLAND & ELLIS LLP